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DOC #:
DATE FILED: 11/14/14

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November 14, 2014

By Facsimile

Honorable Victor Marrero,
United States District Judge,
Southern District of New York,
Daniel Patrick Moynihan U.S. Courthouse,
500 Pearl Street,
New York, New York 10007.

Rc: Anwar v. Fairfield Greenwich Ltd.—Standard Chartered Cases, No. 09-CV-118 (S.D.N.Y.) (VM) (FM)

Dear Judge Marrero:

We write on behalf of the Standard Chartered Defendants (“SCB”) in response to the November 13, 2014 letter from counsel for the plaintiffs in the *Anwar* class action, seeking, in effect, permission to submit an amicus curiae brief supporting the efforts of plaintiffs in the SCB Cases to prevent the application of SLUSA to their claims. (Dkt. No. 1335.) Plaintiffs in the SCB Cases, however, are well represented, and have been granted 25 pages to reply to SCB’s October 31 letter. Although it is for the Court to decide whether it would be of assistance to the Court for the *Anwar* plaintiffs to begin an additional round of briefing—presumably SCB would be granted opportunity to respond—on a motion not at all directed to their case, SCB respectfully submits that such further argument is not necessary and would only delay consideration of the relevant issues.

The *Anwar* plaintiffs’ request is based on assertions that the Court has previously ruled on SLUSA’s application in the SCB Cases, and that SCB now “urges the Court to revisit” its 2010 ruling on SLUSA in the *Anwar* class action. (Letter from D. Barrett, at 1 (Nov. 13, 2014), Dkt. No. 1335.) Neither assertion is correct. *First*, the Court has not ruled on SLUSA’s application to the SCB Cases. This is precisely why the Court ordered submissions on the issue at the September 29, 2014 pre-summary judgment motion conference. (Sept. 29, 2014 Conf. Tr. at 45:16-23, Dkt. No. 1349.) *Second*, SCB has not requested that the Court revisit its 2010 ruling declining to apply SLUSA to the *Anwar* class action, but only to consider the law as it stands today with respect to the SCB Cases. As set forth in SCB’s October 31 submission, SLUSA applies

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to the SCB Cases because those cases assert state law claims that SCB induced them to invest in the Fairfield Funds based on allegedly misleading investment advice. These are different claims under different theories than those being pursued by the *Anwar* plaintiffs, and these claims fall squarely within SLUSA.

Respectfully submitted,



Sharon L. Nelles

cc: David A. Barrett, Esq.
Standard Chartered Plaintiffs' Steering Committee (by E-mail)
Andrew G. Gordon, Esq. (by E-mail)
Timothy A. Duffy, Esq. (by E-mail)
Sarah Loomis Cave, Esq. (by E-mail)

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by
The Standard Chartered defendants.
The Court will not consider any
SO ORDERED. further correspondence
or briefing regarding this matter
11-14-14
DATE SHARON L. NELLES
VICTOR MARRERO, U.S.D.J.